IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3655 OF 2005

Shankar Keshav Pawar. ... Applicant.

Versus.

State of Maharashtra. ... Respondents.

Shri Sandesh patil for the Applicant.

Shri A.S.Gadkari, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 22nd June, 2005.

P.C.:

1. Heard the learned Counsel for the parties. By order dated 28th July 2000 passed by the learned Addl.Sessions Judge, Karad, the Applicant was ordered to be enlarged on bail subject to conditions which are incorporated therein. The offence alleged against the Applicant is under section 153A, 292, 295-A, 509 r/w. 34 of the Indian Penal Code and section 3(1)(ii) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. It appears that from 31st January 2004, the Applicant did not attend the trial Court and therefore, non-bailable warrant was issued against the Applicant. The Applicant was arrested by executing non-balable warrant. On 19th April 2005 an application was made by the Applicant before the learned Additional Sessions Judge, Karad, for grant of bail. The said Application has been rejected.

2. The learned Counsel appearing for the Applicant submitted that the Applicant was not absconding and there is no allegation against the Applicant that he has tried to tamper with the prosecution evidence. He has submitted that Applicant is ready and willing to submit to any stringent condition which may be imposed by this Court.

3. The learned A.P.P. submitted that as the Applicant was absconding from January 2004 he is not entitled to any relief. He submitted that the Applicant cannot be enlarged on bail at this stage.

4. I have considered the rival submissions. The Application made by the Applicant is not rejected by the learned Additional Sessions Judge on the ground that the Applicant is guilty of objectionable conduct from 31st January 2004. It is not the case made out before the learned Additional Sessions Judge that the Applicant has tried to tamper with the prosecution evidence. Considering the fact that the Applicant was enlarged on bail on merits, he deserves to be enlarged on bail subject to stringent conditions.

5. Hence the following order is passed:

(i) The Applicant shall be enlarged on bail in connection with C.R.No.27 of 2000 of

Dhabewadi Police Station subject to the Applicant furnishing P.R.Bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.

(ii) Bail is granted subject to condition that the Applicant will attend the concerned Police Station every alternate day from 10.00 a.m. to 11.00 a.m. The Applicant will also attend the concerned Court on all the dates fixed in the matter and will cooperate with the learned trial Judge for early disposal of the trial.

(iii) In case the Applicant commits breach of any conditions imposed by this order, the said breach will be a ground for cancellation of bail.

(iv) The Application is disposed of in the above terms.

(v) The parties to act on an authenticated copy of this order.

Judge.